

# PENITENTIARY BARS AWAITING STORM

## Four Years in the Territorial Penal Institution Was Sentence Given Former County Treasurer.

(From Sunday's Daily)

The history of the Storm case, as it is familiarly called, can be properly begun about nine o'clock on the morning following the general election in November, 1904. At that time one McDonald, accompanied by another who had the key, went to the office of the County Treasurer of Yavapai County, Arizona, in the court house in Prescott, and upon opening the door heard sounds in the vault in the treasurer's office. At the same time a little dog, a companion of Storm, ran out of the office. The vault was opened and in it was found James P. Storm, who was serving his second term as county treasurer. Bailing wire had been used as a gag which had been placed in his mouth with a handkerchief on it, and tied behind the ears. Bailing wire also encircled his wrists behind his body.

### What Storm Said.

Storm's statement was that on the previous afternoon, election day, about five o'clock, he was preparing to close the vault and leave the office when a tall man and a short man jumped over the counter, presented pistols at him and ordered him into the vault, that he went in, then was gagged and bound, and the tall man and short man took away about \$14,000 of the county's money. Storm also stated that within a few minutes after the departure of the alleged robbers he began stamping on the sheet-iron floor of the vault and hallooing loud enough to be heard at Fort Whipple, and kept this up at intervals until one or two o'clock in the morning.

The prosecuting officers became convinced that Storm's story was concocted and that he, himself, had robbed the county treasury, and a few days thereafter Storm was indicted by the grand jury.

At this time E. S. Clark was district attorney, and J. E. Morrison assistant. The case came on for trial in a short time after the finding of the indictment and Robert E. Morrison appeared as special counsel for the prosecution, having been retained by the sureties on Storm's official bond as county treasurer. For the defendant appeared Ross & O'Sullivan, Herndon & Norris, and A. L. Hammond. On the trial a portion of the evidence disclosed the fact that while Storm was in the vault of the treasurer's office, stamping on the floor of the vault and hallooing in a loud voice as he said, dozens of citizens of the county were going to and from the office of the board of supervisors, which was immediately across the hall from the treasurer's office. The result of tests made in the vault showed that if a person stamped on the metal floor the noise could be heard not only throughout the court house building, but out on the plaza for a couple of hundred feet or more from the building; that at the time the tests were made by a person in the vault and stamping as Storm said he had stamped and the person hallooing, the test being made between eight and nine o'clock at night, the noise caused occupants of the probate judge's office, the sheriff's office, and the board room to rush out into the hall and ask if it was another holdup. The evidence also showed that Storm had been guilty on two different occasions of taking one thousand dollars of the county's money and appropriating it to his own use.

The case was vigorously tried, and the jury after considerable deliberation disagreed and were discharged.

### History of Action.

On the first of January, 1905, E. E. Ellinwood took office as district attorney and Sam L. Pattee was appointed his assistant. In the spring of 1905 the case came on for a second trial and resulted in a verdict of not guilty. There were one or two other indictments against Storm, and at the November term, 1905, two indictments were found charging Storm with having unlawfully taken in each case one thousand dollars of the public funds in his custody.

In the spring of 1906 Ellinwood resigned as district attorney and to fill the vacancy applications were made by Sam L. Pattee, assistant under Ellinwood, and R. P. Talbot. Talbot was appointed district attorney

### Morrison Was Selected.

In the fall of that same year, Morrison was forced to accept the nomination for district attorney, the main object being upon his election to continue the prosecution of Storm. Morrison was elected in November, 1906. In the last days of Talbot's term of office, counsel for Storm moved to dismiss the cases against Storm for want of prosecution, but the record showed that the cases had been standing on motions in behalf of the defendant to quash the indictments, alleging partiality on the part of the grand jurors who found the indictments.

On the first of January, 1907, Morrison took office as district attorney and on that day served counsel for Storm with notice that he would call up for dismissal the motions to quash the indictments. Upon this being pressed the motions to dismiss the indictments were withdrawn and one of the thousand dollar indictments was set down for trial at the May term. In the trial of the case J. C. Forest was assistant under Morrison, and E. S. Clark continued to aid in the prosecution. The grand jury found Storm not guilty on this indictment. The next morning after this verdict was returned, the last indictment was on motion of the district attorney set for trial in the month of June, and on this trial the jury found Storm guilty.

### Bitterly Contested.

Motion for new trial was denied, an appeal was taken to the Supreme Court of the Territory by Storm, his bail being fixed in the sum of \$7500, which he gave, and in the early part of 1908 the Supreme Court affirmed the decision of the trial court and sustained the verdict and judgment. Motion for rehearing was filed, Frank Cox being then brought into the case as additional counsel for Storm, and in the fall of 1908 the Supreme Court denied the motion for rehearing.

Then for the first time in the history of criminal cases under the Territorial law, a writ of error was granted by the Supreme Court to the United States Court of Appeals for the Ninth Circuit at San Francisco. A new bond in the sum of \$8000 was given by Storm. This writ of error was secured for Storm by A. C. Baker and Alfred Franklin, and in May, 1909, the writ of error was argued at San Francisco by Frank Cox and a San Francisco lawyer for Storm, and by Clark and Morrison for the Territory. On the 11th of May, 1909, the Circuit Court of Appeals decided that it had jurisdiction in this class of cases, but affirmed the decision of the Supreme Court of Arizona, and a mandate was issued to the latter court, and in the early part of this month the Supreme Court sitting at Phoenix ordered the issuance of a mandate to the District Court in which the case was originally tried directing the judge of the court to make such orders as would carry into execution the judgment of conviction and sentence entered in June, 1907, against the defendant.

Yesterday morning the defendant appeared with his counsel, Colonel J. F. Wilson, and Clark and Morrison appeared for the Territory, and an order was entered by the Court directing that the four years' imprisonment should begin with the date of the order, and directing the sheriff to take the defendant into custody and deliver him forthwith to the proper custodian of the Territorial prison at Florence.

It thus appears that after five years from the date when the robbery was committed the defaulting county treasurer was finally brought to justice and delivered into the hands of the sheriff for confinement in the penitentiary.

# PIONEER CALLED BY GRIM REAPER

(From Sunday's Daily)

Yesterday morning the shocking news reached the city that Joe Mayer, the popular pioneer of Big Bug, and one of the most prominent citizens of Northern Arizona, had accidentally shot himself, inflicting a mortal wound, and later in the day the sad news was received that he had succumbed to the injuries.

Mr. Mayer arose a little before six o'clock yesterday morning and was awakened by the noise that came from the rear of the yard where his home is located. He noticed several skunks prowling around in search of chickens, roosting in an adjoining house, and grabbing his 44-caliber six-shooter walker rapidly to where he could get a shot at them.

It was raining hard as he entered the yard, and the ground was slippery from mud. He stumbled over a large rock, and as he fell the gun was discharged, the bullet penetrating his left breast above the heart.

Joe realizing that the wound was a serious one at the time, telephone advices were sent to Prescott for his son-in-law, Dr. R. N. Looney, to hasten to the place with all speed. Mr. Mayer was then removed to his room and everything possible was done for him. Accompanying Dr. Looney to Mayer was Dr. Yount, both of whom traveled in a special train and made the run in short time.

After the arrival of the doctors it was learned that the death of Mr. Mayer was but a matter of a few hours. He was bleeding internally, and gradually becoming weaker and growing unconscious. The bullet after passing through the left lung imbedded itself beyond, and the question of a surgical operation was out of all reasoning. Before lapsing into unconsciousness Mr. Mayer informed those at his bedside that it was purely an accident, and that he did not wish his friends or relatives to entertain any other reason. This was borne out by a deep gash that was seen on his head and face, which he received when falling to the ground, striking a sharp pointed rock.

The past life of this prominent Arizonan will prove interesting, carrying as he did from the day he first entered the territory to the close of his life, a fellowship that will live long after he is laid away. He was born in Pennsylvania about fifty-eight years ago, and came from the sterling German stock that entered that state from Europe many generations ago.

In his youth the ambition of his life was to reach the then unexplored fields of the west, and he has since mentioned that the mining vocation seized him so forcibly that he went to the grading line of the Union Pacific, that was then building through the state of Nebraska. He followed the vocation of a rail-roader until Omaha was reached, and hearing the romantic stories of placer gold and quartz riches of the southwest he came to Silver City.

At that point he remained for some months, and Globe, Arizona, coming into public favor, he traveled for that point, which he reached in 1877. The discovery of native silver attracted him. When the yield of this metal had played out, Tipton, in this county, came into the silver column in fabulous wealth, and hither Mr. Mayer ventured. He arrived at Tipton in June, 1878, where he engaged in the restaurant business, being one of the best cooks in the camp. He erected several buildings in this famous place, and after about two years looked around for another and a permanent place in which to drive his home stakes. Big Bug station was selected. He took charge of that little place, opened up a corral, an eating house and a limited number of rooms for the care of lodgers. He had but three little buildings. His skill as a cook soon gave him a territorial reputation, and the route to Phoenix via Big Bug was selected as the most desirable of the two highways, mainly from the reputation of Joe Mayer as a good fellow and an excellent caterer. A few years after he located at this famous old station, he dropped the original name, and to this day the place is on the map as Mayer. In all these years of wandering his devoted wife was with him, sharing in the adversities of the rough days on the border, and enjoying the later years when prosperity favored them.

When Mayer had reached the ascendancy as the most desirable stage station in all of Arizona, the characteristics of the founder of the hamlet began to creep into the open. He built one after another houses and homes, and early in the eighties the place assumed a permanent regard in commercial, mining and general headquarter accommodations. It was soon recognized as a desirable place for the mining interests.

The entire section in and around Mayer is in the deepest gloom over this unfortunate affair, and the sympathy of all is extended to the bereaved relatives.

It has been decided to bring the remains to Prescott for interment, and Monday has been set as the day. A special train will bring the body and

### SKUNK BITE NEARBY PROVED FATAL TO RANGER.

(From Sunday's Daily.)

After three weeks of treatment for the bite of a hydrophobia skunk, at the celebrated Pasteur institute, Chicago, J. S. Boyer, the young man who was bitten by a skunk on Cherry Creek, October 31 last, returned to Prescott yesterday. He expresses himself as of the firm opinion that he will never experience any evil effects from the wound, and is an enthusiast as well over the method of treating those afflicted as he was. After entering that institution he was treated twice a day for five consecutive days, and this was followed by one injection a day for another ten days. He was then discharged but with the understanding that he must obey instructions by keeping out of the sun or from getting over-heated for a period of six months. Otherwise a relapse would follow and there would be a recurrence of the ailment. Mr. Boyer says that his ailment was diagnosed by the physicians in charge, and the bite was pronounced as carrying the poison of the hydrophobia skunk. Four days after he was bitten he was under treatment, and the haste with which he reached Chicago was all the more in his favor, according to the medical men in charge of the institute.

He speaks of another interesting matter linked to the method of treating under the Pasteur system, saying that for three months from the completion of the treatment he passed through, he is immune from any bite of the carnivorous race, and so far as rattlesnakes or Gila monsters are to be considered in the deadly column to the human race, he can play with them to his heart's desire and they can bite him to pieces without any ill effects. But in answer to a question as to whether he would give a yellow rattler a chance to sample Pasteur virus, he has passed through a hard siege of having one kind of poison injected and is not on the market for a variety of the fluid that has not as yet come under the pure food law for analysis.

Mr. Boyer will remain for several days in the city, and then return to his mining camp to continue work in development, where he ceased one month ago, when accidentally bitten.

### YAVAPAI MAN WAS WINNER AT FAIR.

(From Sunday's Daily.)

J. R. Alexander of Sycamore Creek reached the city yesterday and brings from that section samples of the fruit and agricultural products he raised and for which he was awarded blue ribbons at the late territorial fair.

One of the premiums he received was for a novel apple product, known as the banana variety, several of which are on exhibition in this city. In flavor these apples carry the odor of the banana, and the taste may be easily distinguished. In color they are of a yellowish hue, and in addition they are pronounced the most edible of any other brand. This variety is the first and the only ever raised in this county so far as known and they are pronounced as somewhat of a curiosity, owing to their large size and the unusual taste they have.

Alexander also was awarded the first prize for another variety out of the ordinary, that of the Black Ben Davis apple, a box of which he also generously distributed to friends in the city. His entire fruit display was awarded first honors, and the collection was pronounced in Phoenix the finest and best ever received, owing to the quality and the variety of the product.

### BUYS MINING GROUND.

(From Sunday's Daily)

Claude Baker of Mayer yesterday disposed of his one-half interest in nine mining claims situated near that town to D. J. Thompson. While the consideration was given in a nominal sum, the actual price paid is said to have been a heavy one. The new owner of the interest secured will begin the extensive development of the ground.

Journal-Miner—High class job work

# The Social Mirror

Unusually elaborate and beautiful was the afternoon reception given by Captain Clarence L. Cole and his mother, Mrs. A. M. Cole, on Saturday afternoon at their quarters at Whipple Barracks, in honor of the Eighteenth Infantry, stationed at the Barracks, which has just completed their third tour of the Philippine Islands.

The rooms were profusely and attractively decorated with American flags, both large and small, and smilax festooned the walls. In the dining room a large table, with the punch bowls, stood in one corner under a canopy and blue ribbons radiating from the corner to the opposite side of the room. In the center of the table was a huge bouquet of American Beauty roses and on the front of the white linen cover were large figures "18" made of smilax. The reception while being pleasingly informal, was significant to the extent of having a receiving party which consisted of Captain and Mrs. Cole, Major Henry Kirby, Captain and Mrs. Frederic D. Evans, Captain and Mrs. John K. Miller, Captain and Mrs. Guy G. Palmer, Lieutenant William A. Alfante, Lieutenant Walter E. Gunster, Lieutenant George Bartlett, Lieutenant Rowan P. Lemly, Lieutenant James R. Lockett and Lieutenant George L. Van Deusen. Captain and Mrs. Cole were assisted during the afternoon by the Misses Mabel Norris, Lila Hawkins, Florence Herndon, Theresa Fredericks, Winifred Fredericks and Harriet Jean Oliver and Mr. Harold A. Cheverton. Those who participated in this delightful affair were Mr. and Mrs. M. B. Hazeltine, Dr. and Mrs. C. E. Yount, Mr. and Mrs. Paul P. Hastings, Mr. and Mrs. Wallace Fairbank, Mr. and Mrs. John Mason Ross, Mr. and Mrs. W. W. Ross, Mr. and Mrs. Paul Burks, Mr. and Mrs. E. C. Smith, Mr. and Mrs. William H. Timmerhoff, Dr. and Mrs. Harry T. Southworth, Dr. and Mrs. J. W. Flinn, Mr. and Mrs. John H. Robinson, Dr. and Mrs. J. B. McNally, Mr. and Mrs. J. J. Fisher and Mrs. Mary Ross, Mr. and Mrs. Fred. G. Brecht, Mr. and Mrs. Thomas E. Campbell, Major and Mrs. Henry Kirby, Captain and Mrs. Guy G. Palmer, Mr. and Mrs. R. N. Fredericks, Mr. and Mrs. Thomas G. Norris, Captain and Mrs. Frederic D. Evans, Lieutenant and Mrs. Walter E. Gunster, Miss Theresa Fredericks, Miss Lila Hawkins, Miss Winifred Fredericks, Judge and Mrs. John J. Hawkins, Miss Mabel Norris, Mrs. J. C. Herndon, Miss Florence Herndon, Miss Emma Dutcher, Miss Ethel Wood, Miss Elsie Bean, Miss Louis Gibbs, Miss Charlotte Johnson, Miss Mary Hoff, Miss Florence Jones, Miss Anna Jones, Miss Harriet Jean Oliver, Miss Ann McKenzie, Mr. and Mrs. Morris Goldwater, Mr. and Mrs. Reese M. Ling, Mr. and Mrs. William H. Doyle, Mr. and Mrs. Francis L. Wright, Mr. and Mrs. Leslie B. Larimer, Mr. and Mrs. LeRoy Anderson, Mr. and Mrs. R. S. Masson, Mr. and Mrs. R. H. Burmister, Mr. and Mrs. James A. Hope, Mrs. A. W. Edwards, Mr. and Mrs. Frank M. Murphy, Miss Ruth Dutro, Mr. and Mrs. H. D. Aitken, Mr. and Mrs. Frederick P. Cruice, Mr. and Mrs. Harold A. Cheverton, Mr. and Mrs. G. E. Meany, Mr. and Mrs. W. A. Drake and the Messrs. Monroe Blauvelt, Charles Herndon, Orleans Longacre, C. A. Peter, Jr., Edward Lejune, David Russell H. H. Linney, Dr. R. W. Graham, Frank Whipple, Leslie Derrick, Lieutenant L. Van Deusen, C. T. Joslin, A. D. Barnhart, Lieutenant W. A. Alfante, Lieutenant R. Lemly, Lieutenant Jas. Lockett and Lieutenant Bartlett.

Major and Mrs. Morris Goldwater were dinner hosts on Thursday evening at their home on South Cortez street, entertaining most charmingly. The table was laden with American Beauty roses. Major and Mrs. Goldwater had as their guests Mr. and Mrs. Paul P. Hastings, Mr. and Mrs. LeRoy Anderson, Dr. and Mrs. Harry T. Southworth, Miss Elizabeth Goldwater and Miss Ethel Fisher.

### HEARTLESS MOTHER DESERTS HER LITTLE GIRL.

Another story of human interest in which a little girl is left a waif through the separation of father and mother, has its foundation in this city, and the principles in the little bit of domestic tragedy is linked with at least one prominent man in the government of Douglas, who has been the good angel for the little one abandoned, says the Douglas Dispatch. It will be remembered that some time ago Mrs. J. S. Day is alleged to have eloped from Courtland with a man named King. The husband of the woman, J. S. Day, at one time was employed in Thompson's sewing machine establishment in this city. Having no home after the desertion of his wife, Mr. Day turned to Mrs. Thompson of Fourth street, and besought her to take the little daughter Mildred, Mrs. Thompson consented to do this, Day promising to soon send for the child, and to repay Mrs. Thompson for her trouble in the care of the little girl.

Day went to Phoenix, and has been employed at one of the exhibitor's booths during the territorial fair. Mrs. Thompson, receiving no remuneration for the keeping of the child, has written to Day to either send for the girl or to make payment for her keeping.

Meantime, Marshal James East, to relieve Mrs. Thompson of a burden that she is hardly able to bear, kindly took the little girl to his own home last Thursday and since that time the child has been kept there.

Mrs. Thompson received a letter from Day in which he states that he would send money to have the child leave for Phoenix, and that he would try to meet her at Maricopa or make arrangements for Expressman Perry to care for the little girl on her arrival at that place. The money did not arrive Sunday, and Mrs. Thompson was still waiting for it yesterday afternoon.

In his letter to Mrs. Thompson, Day writes emphatically of his sorrows, and expresses the hope that he shall soon be in a financial shape to repay her for the kindness, and to take his little daughter to himself. The child had been with Mrs. Thompson about six weeks before she was taken into the home of Mr. and Mrs. James East.

Cortez street. Red carnations and red silk candelabra decorated the table around which were seated Mrs. Herndon, Judge and Mrs. John J. Hawkins, Miss Lila Hawkins, Miss Florence Herndon, Charles Miller H. D. Ross, Charles W. Herndon and George Miller.

Captain and Mrs. Guy G. Palmer were dinner hosts on Friday evening at an elaborately appointed dinner. Captain and Mrs. Palmer had as their guests Captain and Mrs. John K. Miller, Lieutenant and Mrs. Walter E. Gunster, Mr. and Mrs. Wallace Fairbank, Captain Frederic D. Evans and Lieutenant James R. Lockett.

A charming dinner was given by Mrs. Thomas G. Norris on Thursday evening at her home on South Mount Vernon avenue. The table was prettily decorated with yellow chrysanthemums. Mrs. Norris had as her guests Mr. and Mrs. William H. Doyle, Mr. and Mrs. John Mason Ross, Mr. and Mrs. Francis L. Wright, Mrs. Mary Ross, Miss Mabel Norris, Mrs. Ada Miller, Charles T. Joslin and William Norris.

Miss Elizabeth BeDel left Saturday morning for Los Angeles, after a very pleasant visit here as the guest of Mrs. J. W. Baldwin.

Mrs. J. M. Aitken arrived home Tuesday afternoon from a delightful visit with friends in Phoenix.

Mr. J. V. Baldwin arrived here Wednesday from Los Angeles to spend Thanksgiving with his wife and son.

Mrs. Henry Kirby and little son arrived at Whipple Barracks Thursday morning.

Mrs. Frederic D. Evans arrived at Whipple Barracks Saturday morning from San Francisco.

Mr. Herbert Meany is spending Thanksgiving week with his sister, Mrs. Frank M. Murphy.

### GALE ON PUGET SOUND.

PORT TOWNSEND, Wash., Nov. 27.—The most violent gale in years swept over the lower part of Puget Sound today. A launch was sunk but none were drowned.

Mrs. J. C. Herndon entertained at a most delightful dinner on Thanksgiving evening at her home on South